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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,421	04/08/2009	Yehuda Yavets-Chen	P-5767-US	4105
49443 7590 09/15/2010 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER				
TRAN, THIEN S				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/568,421

Applicant(s)

YAVETS-CHEN ET AL.

Examiner

THIEN TRAN

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Drawings

1. The drawings are objected to because there are two Fig. 3 shown. The drawings are further objected to because they do not provide support for claims 16-18 as being operated electrically, pneumatically or hydraulically.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: under the "Short description of the drawings", Fig. 1a and Fig. 1b is recited on page 4 lines 9-11. But the drawings only show Fig. 1, there is no Fig. 1a or 1b as mentioned in the specification. Appropriate correction is required.
4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 3 of the specification. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.
5. The abstract is objected to because has to be on a single separate sheet, the current abstract is two pages long. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

6. Claims 15-18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 15-18 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claim 1, the claim recites "held by clamps or similar arrangement" which the examiner considers as indefinite. What is meant by similar arrangement? The term "similar arrangement" is not defined by the claim, the specification does not provide a standard for what the similar arrangements could be, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

10. Regarding claim 2, the claim recites "mounted by means of a parallelogram" which the examiner considers as indefinite. As defined by Merriam-Webster dictionary, a parallelogram is a quadrilateral with opposite sides parallel and equal. The examiner is unsure how any container can be mounted on a parallelogram which is two dimensional. Appropriate correction is required.

11. Claim 10 recites the limitation "said cutter device" in line 1. There is insufficient antecedent basis for this limitation in the claim. There is no mention of "a cutter device" in claims 1 or 6 from which claim 10 depends. It is suggested to change claim 10 by defining cutter device earlier in the claim or change the dependency of claim 10 to depend on claim 8 where "a cutting device" is recited. Appropriate correction is required.

12. Claims 3-9 and 11-14 are rejected as being dependent on independent claim 1.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.¹¹

15. Claims 1, 2, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano (JP 09-131167) in view of Young (US 2003/0097938) and Setecka (US 3,465,894). An English-language equivalent has been adopted for Japanese reference Sugano (JP 09-131167) and is included in the PTO-892 Notice of Reference Cited.

16. Regarding claim 1, Sugano teaches a sushi maker (Abstract, Lines 1-3) for home or commercial use, comprising a base-plate (Figs 1, 2 & 4, Items 5a & 6a, Pg 4, 0006) supporting a roll making sheet (Figs 1 & 2, Items 2a-d, Pgs 4-5, 0007); a roll-up sheet held on said base-plate in a substantially flat condition allowing for the deposit of a layer of seaweed over said sheet (Figs 1, 2 & 4, Items 2a-d), and said sheet taking up a cylindrical configuration or rolled up mechanically (Fig 4, Items 2a-d); and a cooked-rice

container (Figs 1 & 3, Item 4, Pg 4, 0005) adopted to release a portion of rice over said base plate. Sugano discloses the claimed invention except for where the roll-up sheet is removably held by clamps or similar arrangement and where the container is mounted on horizontal or vertical rails.

17. In analogous art of sushi mold apparatus and method, Young discloses where the roll-up sheet (Figs 14 & 15, Item 156, Pg 4, 0045) is removably held by clamps or similar arrangement (Figs 14 & 15, Items 165-167 & 158, 161, 172, 174 & 176, Pg 4, 0045) for the benefit of forming a sushi roller apparatus to form traditional sushi pieces like California Rolls (Pg 4, 0045). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano with the clamp and roll-up sheet structure of Young for the benefit of forming a sushi roller apparatus to form traditional sushi pieces like California Rolls.

18. In analogous art of portable food service device, Setecka discloses where container (Figs 1-3, Item 25, Col 2, Lines 60-72) is mounted on horizontal or vertical rails (Figs 1 & 2, Items 10 & 11, Col 2, Lines 15-24) for the benefit of permitting persons to selectively move any of the said carriages and trays to any desired position between the opposite ends (Col 1, Lines 20-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano and Young with the rail structure of Setecka for the benefit of permitting persons to selectively move any of the said carriages and trays to any desired position between the opposite ends.

19. Regarding claim 2, Sugano discloses the claimed invention except for where said container is mounted by means of a parallelogram. In analogous art of portable food service device, Setecka discloses where container (Figs 1-3, Item 25, Col 2, Lines 60-72) is mounted by means of a parallelogram (Figs 1 & 2, Items 10 & 11, Col 2, Lines 15-24) for the benefit of permitting persons to selectively move any of the said carriages and trays to any desired position between the opposite ends (Col 1, Lines 20-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano and Young with the rail structure of Setecka for the benefit of permitting persons to selectively move any of the said carriages and trays to any desired position between the opposite ends.

20. Regarding claim 4, Sugano disclose further including a mechanism (Figs 1 & 2, Item 3, Pg 4, 0005) attached to said base-plate (Figs 1, 2 & 4, Items 5a & 6a, Pg 4, 0006). Sugano discloses the claimed invention except for where the mechanism engages said clamp members, said mechanism allowing for controlled gradual release of said roll-up sheet from its flat configuration to its cylindrical form. In analogous art of sushi mold apparatus and method, Young discloses where the mechanism (Fig 15, Item 158 & 160, Pg 4, 0045) engages said clamp members (Fig 15, Items 166 & 176, Pg 4, 0045), said mechanism allowing for controlled gradual release of said roll-up sheet from its flat configuration to its cylindrical form (Figs 9-11, Item 56, Pg 4, 0037) for the benefit of rolling up a cylinder shaped sushi roll (Pg 4, 0037). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings

of Sugano with the mechanism of Young for the benefit of rolling up a cylinder shaped sushi roll.

21. Regarding claim 5, Sugano teaches where said roll-up sheet is provided with extended portions at its four corners (Figs 1 & 2, Items 2a-d, Pgs 4-5, 0007). Examiner interprets that the roll-up sheet of Sugano extends beyond the working area W (Fig 1, Item W, Pg 7, 0011) and therefore has extended portions at its four corners.

22. Regarding claim 9, Sugano discloses the claimed invention except for where said container is further provided with a compression device for compressing cooked rice held in said container, and for discharge of the lowest layer through gaps between said plurality of thin elements. In analogous art of sushi mold apparatus and method, Young discloses where said container (Figs 3 & 5, Items 12 & 14, Pg 2, 0027) is further provided with a compression device (Fig 6, Item 16, Pg 3, 0030) for the benefit of removing sushi from the mold (Pg 3, 0035). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano with the compression device of Young for the benefit of removing sushi from the mold.

23. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano (JP 09-131167) in view of Young (US 2003/0097938) and Setecka (US 3,465,894) as applied to claims 1 & 2, further in view of Oseka (US 4,674,967).

24. Regarding claim 3, Sugano in view of Young and Setecka discloses the claimed invention except for further provided with a bamboo mat configured to rest on said roll-up sheet and onto which said layer of seaweed may be deposited. In analogous art of apparatus for forming rolled food products, Oseka discloses further provided with a

bamboo mat (Figs 5-8, Item 100, Col 4, Lines 47-54) configured to rest on said roll-up sheet (Fig 4, Item 68, Col 4, Lines 24-30) and onto which said layer of seaweed (Figs 4-8, Item 120, Col 5, Lines 5-10) may be deposited for the benefit of forming a rolled food product (Col 2, Lines 12-19). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano, Young and Setecka with the bamboo mat of Oseka for the benefit of forming a rolled food product.

25. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano (JP 09-131167) in view of Young (US 2003/0097938) and Setecka (US 3,465,894) as applied to claims 1 & 3, further in view of Anderson (US 5,224,692).

26. Regarding claim 6, Sugano in view of Young and Setecka discloses the claimed invention except for where said mechanism is in the form of a left-hand right-hand screw rotatable by the user by means of a handle, said screw engaging nuts attached to said clamps. In analogous art of versatile wide opening vise, Anderson discloses where said mechanism is in the form of a left-hand right-hand screw (Figs 1 & 2, Items 50 & 51, Col 2, Lines 59-64) rotatable by the user by means of a handle (Figs 1 & 2, Items 30-33, Col 3, Lines 21-26), said screw engaging nuts (Figs 1 & 2, Items 20 & 21, Col 3, Lines 1-6) attached to said clamps (Figs 1 & 2, Items 24 & 25, Col 3, Lines 9-13) for the benefit of providing movement to a pair of jaws along a base to desired clamping positions (Col 2, Lines 8-13). It would have been obvious to one having ordinary skill in the art to combine the teachings of Sugano, Young and Setecka with the screw mechanism of Anderson for the benefit of providing movement to a pair of jaws along a base to desired clamping positions.

27. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano (JP 09-131167) in view of Young (US 2003/0097938) and Setecka (US 3,465,894) as applied to claims 1 & 2, further in view of Hatakeyama (US 2002/0172091).

28. Regarding claim 7, Sugano in view of Young and Setecka discloses the claimed invention except for where said cooked rice container has a substantially open bottom face, the rice being retained therein by an array of thin elements rigidly supported by said container. In analogous art of apparatus for processing the ingredients of foods/beverages, Hatakeyama discloses where cooked rice container has a substantially open bottom face (Fig 4, Item 10, Pg 4, 0058), the rice being retained therein by an array of thin elements (Fig 4, Item 10 has a wire mesh bottom) rigidly supported by said container for the benefit providing a filtering function (Pg 4, 0059). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano, Young and Setecka with the container of Hatakeyama for the benefit providing a filtering function.

29. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano (JP 09-131167) in view of Young (US 2003/0097938) and Setecka (US 3,465,894) as applied to claims 1 & 2, further in view of Southworth (US 4,425,706).

30. Regarding claim 8, Sugano in view of Young and Setecka discloses the claimed invention except for where said cooked rice container includes a cutting device for slicing off a lowest layer of cooked rice for deposit onto said seaweed layer. In analogous art of cutting tool, Southworth discloses where said container (Fig 5, Item 30, Col 3, Lines 6-11) includes a cutting device (Figs 1 & 5, Items 10, 14 & 18, Col 2, Lines

37-44) for slicing off a lowest layer for the benefit of performing horizontal slicing of foodstuff (Col 1, Lines 63-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano, Young and Setecka with the cutting device of Southworth for the benefit of performing horizontal slicing of foodstuff.

31. Claims 10, 11, 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano (JP 09-131167) in view of Young (US 2003/0097938), Setecka (US 3,465,894) and Anderson (US 5,224,692) as applied to claims 1, 3 & 6, further in view of Southworth (US 4,425,706) and Locker (US 2,240,221).

32. Regarding claims 10 and 11, Sugano in view of Young, Setecka and Anderson discloses the claimed invention except for where said cutting device for slicing off a lowest layer of cooked rice comprises multiple spaced-apart cutter elements retained in a rigid outer frame. In analogous art of cutting tool, Southworth discloses cutting device for slicing off a lowest layer with a cutter element retained in a rigid outer frame (Figs 1 & 5, Items 10, 14 & 18, Col 2, Lines 37-44) for the benefit of performing horizontal slicing of foodstuff (Col 1, Lines 63-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano, Young, Setecka and Anderson with the cutting device of Southworth for the benefit of performing horizontal slicing of foodstuff. Sugano, Young, Setecka, Anderson and Southworth discloses the claimed invention except for multiple spaced-apart cutter elements.

33. In analogous art of egg and like slicing apparatus, Locker discloses multiple, spaced-apart cutter element (Figs 1 & 2, Item g, Col 2, Lines 21-30) for the benefit of cutting multiple layers at the same time. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano, Young, Setecka, Anderson and Southworth with the multiple cutting elements of Locker for the benefit of cutting multiple layers at the same time.

34. Regarding claim 12, Sugano, Young, Setecka, Anderson and Southworth discloses the claimed invention except for where the cutter elements comprise stainless steel wires. In analogous art of egg and like slicing apparatus, Locker discloses where the cutter elements comprise stainless steel wires (Figs 1 & 2, Item g, Col 2, Lines 21-30) for the benefit of using a food-grade material that is known in the art. It would have been obvious to one having ordinary skill in the art the time of the invention to combine the teachings of Sugano, Young, Setecka, Anderson and Southworth with the stainless steel wires of Locker for the benefit of using a food-grade material that is known in the art.

35. Regarding claim 13, Sugano, Young, Setecka, Anderson and Southworth discloses the claimed invention except for further providing a mechanism for driving said container to effect cutting. In analogous art of egg and like slicing apparatus, Locker discloses providing a mechanism (Figs 1 & 2, Item f, Col 2, Lines 21-30) for benefit of cutting the material. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano, Young, Setecka,

Anderson and Southworth with the mechanism of Locker for the benefit of cutting the material.

36. Regarding claim 14, Sugano, Young, Setecka, Anderson and Southworth discloses the claimed invention except for where said mechanism can be operated by hand by applying pressure in a substantially downward direction. In analogous art of egg and like slicing apparatus, Locker discloses where said mechanism can be operated by hand by applying pressure in a substantially downward direction (Figs 1 & 2, Item f, Col 2, Lines 21-30) for benefit of cutting the material. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sugano, Young, Setecka, Anderson and Southworth with the mechanism of Locker for the benefit of cutting the material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN TRAN whose telephone number is (571)270-7745. The examiner can normally be reached on Mon-Thurs, 8-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THIEN TRAN/
Examiner, Art Unit 3742
8/23/2010

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742